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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,549	07/27/2001	Harald Richter	W&B-INF-701	4007

24131 7590 04/19/2005
LERNER AND GREENBERG, PA
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HOLLYWOOD, FL 33022-2480

EXAMINER

OLSEN, ALLAN W

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,549

Applicant(s)

RICHTER ET AL.

Examiner

Allan Olsen

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) . . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 19, 2005 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,080,529 issued to Ye et al. (hereinafter, Ye) in view of U.S. Patent 5,986,344 issued to Subramanion et al. (hereinafter, Subramanion)

Ye teaches a method of anisotropically etching interfacial organic polymer layers. Ye teaches that the preferred etchant consists of hydrogen and nitrogen, however, Ye also teaches that additives may be included to improve the etching profile or to control residue (column 20, lines 46-67). Ye teaches etching low k dielectric materials such as SiLK, FLARE and BCB (column 19, lines 52-58; column 23, lines 5-24). Ye teaches that an underlying layer of silicon dioxide or tantalum nitride functions as etch stop layer

Art Unit: 1763

when an overlying organic layer is etched (column 12, lines 38-42). Ye teaches that straight sidewalls are obtained when etching the organic material with the nitrogen/hydrogen plasma (column 22, lines 56-58).

Ye does not teach using FLARE as an ARC or that the polymeric organic interfacial layer being etched functions as an ARC.

Subramanion teaches that FLARE functions as an ARC. Subramanion teaches providing an organic-ARC layer over a layer of SiO₂.

It would have been obvious to one skilled in the art to provide a layer of FLARE between the photoresist and SiO₂ of Ye because Ye teaches that using an ARC improves the resolution of a pattern and Subramanion teaches that FLARE is useful as an ARC when the FLARE is interdisposed between a layer of photoresist and a layer of SiO₂.

With respect to the 1:50 selectivity, the examiner notes Ye's teaching that silicon dioxide functions as an etch stop (i.e., selectivity $\rightarrow \infty$) when an overlying organic material is etched. Furthermore, Ye and Subramanion make applicant's claimed invention obvious. As such, when conducting this method made obvious by Ye and Subramanion, the skilled artisan, would be expected to achieve the claimed results.

Ye does not teach using a MERIE, ECR, ICP or helicon plasma apparatus.

It would be obvious to one skilled in the art to use a MERIE, ECR, ICP or helicon plasma apparatus because each of these apparatus are known for providing a higher density plasma which provides for faster etching rates and high etching selectivity, as

Art Unit: 1763

well as the ability to use a lower plasma source power which in turn reduces plasma damage to the workpiece.

In regards to the limitations that pertain to process conditions such as flow rates, chamber pressure and magnetic field strength, it is noted that process parameters such as these are considered to be cause effective variables, which may be optimized through routine experimentation. As such, claims to specific values of such parameters cannot provide the basis for patentability.

"Normally, it is to be expected that a change in temperature, or in concentration, or in both, would be an unpatentable modification. Under some circumstances, however, changes such as these may impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely degree from the results of the prior art... such ranges are termed "critical ranges and the applicant has the burden of proving such criticality... More particularly, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation."

In re Aller 105 USPQ 233, 255 (CCPA 1955). See also In re Waite 77 USPQ 586 (CCPA 1948); In re Scherl 70 USPQ 204 (CCPA 1946); In re Irmischer 66 USPQ 314 (CCPA 1945); In re Norman 66 USPQ 308 (CCPA 1945); In re Swenson 56 USPQ 372 (CCPA 1942); In re Sola 25 USPQ 433 (CCPA 1935); In re Dreyfus 24 USPQ 52 (CCPA 1934).

Response to Arguments

Applicant's arguments filed December 10, 2004 have been fully considered but they are not persuasive. Applicant argues that neither Ye nor Subramanion teach an etch stop layer for an organic antireflection layer made of SiO₂, the organic antireflection layer having a selectivity of more than 1:50 in relation to the silicon dioxide. However, Ye and Subramanion make obvious a method in which an organic-arc layer (FLARE), which is disposed between a layer of photoresist and a layer of SiO₂, is etched with a nitrogen and hydrogen plasma. As the method made obvious by Ye and Subramanion and the method being claimed by applicant are the same, the skilled

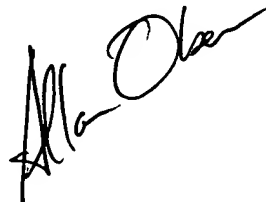
artisan, when carrying out the method made obvious by Ye and Subramanion, would be expected to achieve the results being claimed by applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Olsen whose telephone number is 571-272-1441. The examiner can normally be reached on M-F 1-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Allan Olsen', is written over a horizontal line.

Allan Olsen
Primary Examiner
Art Unit 1763